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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/597,145

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Derk Visser

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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BRIARCLIFF MANOR, NY 10510

EXAMINER

LEIBY, CHRISTOPHER E

ART UNIT

PAPER NUMBER

2629

MAIL DATE

DELIVERY MODE

10/06/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/597,145	Applicant(s) VISSER, DERK	
	Examiner CHRISTOPHER E. LEIBY	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 July 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/13/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1. **Claims 1-16** are pending.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Figure 1 reference 118. Applicant is encouraged to review their specification and drawings for similar errors. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1, 3-7, 10, 12, and 14-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hussey et al.** (US Patent Application Publication 2003/0206150) herein after referred to as Hussey, in view of **Nagao et al.** (US Patent 6,590,567) herein after referred to as Nagao.

Regarding independent **claims 1, 12, and 16**, Hussey discloses an apparatus and method (*abstract and figures 2A-2G and paragraph [0064] wherein each of the devices inherently comprises a program storage device for program of instructions executable by a processor otherwise the device would not work properly*) comprising: a first input device capable of generating a first output (*figure 2D reference 13T and paragraph [0111]*); a second input device capable of generating a second output (*paragraph [0111] reference one input device 13T and second "and only one other function key"*); and a processor configured to receive the first output and the second output (*figure 3a reference 40 and paragraph [0112]*), the processor comprising a program of instruction programmed to identify the first output as a signal, when the first output is contemporaneous with the second output (*paragraph [0111] wherein the function key 13T is pressed simultaneous or contemporaneous with another function key*).

However, Hussey does not disclose wherein one of the output signals is one of at least two types of click signal.

Nagao does disclose an input device (*abstract*) wherein the output of the input device is one of at least two types of click signals (*figure 7 reference s3-16, s3-17, s3-14, s3-9 which are right click, double click, left click, and release signals*).

It would have been obvious to one skilled in the art at the time of the invention that Hussey's PDA could have touch screen as disclosed by Nagao wherein Nagao's touch screen click functions are the first input and Hussey's function key 13T are the second input to produce a menu as disclosed by Hussey (*paragraphs [0110]-[0112]*) for fewer key presses.

Regarding **claims 3-6**, Hussey discloses wherein the apparatus can be comprised in a mobile phone, cordless phone, remote control unit, or a computer (*figures 2A-2G and paragraph [0064] and [0083] wherein the apparatus can be used remotely to communicate to another device*).

Regarding **claims 7 and 15**, Hussey and Nagao discloses a processor that is a CPU of the computer and method (*Hussey: figure 3a reference 40*) and a click signal generated in response to the identification of the first output is processed in substantially the same way as a right click signal input from a conventional computer mouse (*Nagao: figure 7 reference s3-16*).

Regarding **claim 10**, Hussey discloses wherein the first input device comprises a graphics tablet (*figure 2D reference PDA*).

Regarding **claim 14**, Hussey discloses wherein generating a second output from a second input device comprises pressing a button of a remote control unit (*paragraph [0083] and figure 2d reference 13T*).

5. **Claims 2, 8, 9, and 11** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hussey and Nagao** as applied to claim 1 above, in view of **Liess et al.** (US Patent Application Publication 2002/0104957), herein after referred to as Liess.

Regarding **claim 2**, neither Hussey nor Nagao disclose a laser system for an input device.

Liess does disclose an input device comprises an optical sensor unit including a laser configured to generate a measuring beam, measuring means for measuring changes in operation of the laser from interference of the measuring means for measuring changes in operation of the laser from interference of the measuring beam radiation reflected by an object and re-entering the laser cavity and in the optical wave in the cavity; and means for supplying the first output, based on the measured changes in operation of the laser, the output signal corresponding to a movement of the object relative to the input device, the movement comprising a click movement (*figure 1a and paragraphs [0082] and [0107]*).

It would have been obvious to one skilled in the art at the time of the invention to combine Liess' optical buttons for Hussey's function buttons in order

to create simpler, cheaper and more compact input devices as disclosed by Liess (*paragraph [0025]*).

Regarding **claims 8 and 9**, Liess, Hussey, and Nagao disclose wherein the apparatus is used inside of a keyboard (*Liess: figure 16 reference 129, wherein the combination with Hussey allows the use of function keys 13T shown in figure 3a to be also used with a keyboard to comprise a further function key with reference 129 of Liess figure 16*) wherein a click signal (*Nagao: figure 7 reference s3-16, s3-17, s3-14, s3-9 which are right click, double click, left click, and release signals*) generated in response to the identification of the first output is transmitted to a keyboard processor of the keyboard (*Hussey: figure 3a reference 40 which would be implemented in a keyboard as shown in Liess: figure 16*) and processed in substantially the say way as a right click signal input from a conventional computer mouse (*Nagao: figure 3a reference s3-16 right click signal*).

It would have been obvious to one skilled in the art at the time of the invention to combine Liess' optical buttons for Hussey's function buttons in order to create simpler, cheaper and more compact input devices as disclosed by Liess (*paragraph [0025]*).

Regarding **claim 11**, Liess discloses wherein the first input device comprises a touch pad of a laptop computer (*figure 15 and paragraphs [0123] and [0124]*).

It would have been obvious to one skilled in the art at the time of the invention to combine Liess' optical buttons in a laptop form for Hussey's function

buttons in order to create simpler, cheaper and more compact input devices as disclosed by Liess (*paragraph [0025]*).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER E. LEIBY whose telephone number is (571)270-3142. The examiner can normally be reached on 9 - 5 Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Eisen can be reached on 571-272-7687. The fax phone number for the organization where this application or proceeding is assigned is 571-270-4142.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/597,145
Art Unit: 2629

Page 8

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September 23rd, 2008

/Amr Awad/
Supervisory Patent Examiner, Art Unit 2629